

Application S/N 10/701,749
Amendment dated: March 30, 2006
Response to Office Action dated: December 20, 2005

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REMARKS/ARGUMENTS

Claims 1-10, 12-22 and 24-36 remain pending in the application, as claims 11 and 23 were previously canceled without prejudice. In the Office Action, the amendment of September 6, 2005 listed the wrong serial number on page 1. Applicants apologize for the error and note that the present amendment lists the correct serial number of 10/701,749. Additionally, claim 28 was objected to in view of an informality. This claim has been amended to overcome the objection.

Claims 1-3, 13, 15-17, 26, 29, 33 and 36 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0169008 to Hiben, et al. (Hiben) in view of U.S. Patent Application Publication No. 2004/0102219 to Bunton, et al. (Bunton). Further, claims 4, 5, 18, 19, 24 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,427,072 to Reichelt (Reichelt). Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent Application Publication No. 2004/0121767 to Simpson, et al. (Simpson).

Further, claims 7, 12, 21, 25 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,385,469 to Alperovich, et al. (Alperovich), and claims 9, 10, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Reichelt and further in view of U.S. Patent Application Publication No. 2002/0086718 to Bigwood, et al. (Bigwood). Claims 14, 27, 28, 34 and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of well-

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known prior art under MPEP 2144.03, which the Examiner contends is supported by U.S. Patent No. 5,705,980 to Shapiro (Shapiro).

A brief summary of the Hiben and Bunton references may be helpful here. Hiben discloses a wireless multi-carrier communication system having designated control sub-channels that enable a receiving device to operate in a low power decoding mode (see Abstract). In particular, control or payload information may be transmitted to the receiving device, and the receiving device operates in the low-power decoding mode to decode this information on the control sub-channels (see Abstract). If the information cannot fit within the control sub-channels, the information is transmitted to the receiving device over a payload sub-channel (see Abstract). The receiving device operates in a higher power decoding mode to decode the payload sub-channel (see Abstract). The criteria for determining whether to decode the sub-channels in a low or high power decoding mode is based on whether information is transmitted over a control sub-channel or a payload sub-channel.

Bunton describes a communications system that includes a base station at the surface and a repeater station and a mobile station below the surface in which bi-directional communications are established between the mobile stations and the base